

**RICK A. YARNALL
CHAPTER 13 BANKRUPTCY TRUSTEE
701 Bridger Ave, Suite 820
Las Vegas, NV 89101
RAY13mail@LasVegas13.com
(702) 853-4500**

E-FILED

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

IN RE:

JOHN D HILL

Debtor(s).

**Chapter 13
BKS-09-12776-LBR
MOTION TO DISMISS FOR FAILURE TO
MAKE PLAN PAYMENTS**

MOTION TO DISMISS

Hearing Date: June 10, 2010

Hearing Time: 2:00 PM

Comes now RICK A. YARNALL, Chapter 13 Bankruptcy Trustee in the above captioned bankruptcy case and for his motion states and alleges as follows:

1. Debtor(s) filed an Original Petition under Chapter 13, Title 11 of the United States Code on March 03, 2009.
2. Debtors Plan was confirmed by the Court on 12/28/2009.
3. The Trustee requests that this case be dismissed pursuant to 11 U.S.C. § 1307 for one or more of the following reasons, to wit:

(c)(6) Material default by the debtor with respect to a term of a confirmed plan to wit:

- Failure to make plan payments

The last payment by the debtor(s) was made on 04/07/2010 and the debtor(s) are \$945.00 in default under the terms of the current plan. The Debtor remains responsible for all payments that become due subsequent to the filing of the instant motion. The Trustee requests an Order dismissing the case unless the debtor(s) **EITHER:**

- A. cure the default **AND** remain current with all future payments coming due, **OR**
- B. **file a Modified Plan by 06/03/2010,**

WHEREFORE, the Trustee prays the Court issue an Order dismissing the within case for the reasons as stated above and that expenses in the amount of \$0.00 be allowed in this case.

/s/ RICK A YARNALL, TRUSTEE

DATED: 5/7/2010
JCL

Rick A. Yarnall
CHAPTER 13 BANKRUPTCY TRUSTEE

CERTIFICATE OF NOTICE

District/off: 0978-2
Case: 09-12776

User: breareymr
Form ID: pdf945

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Total Noticed: 50

Date Rcvd: May 10, 2010

The following entities were noticed by first class mail on May 12, 2010.

db +JOHN D HILL, 3949 MONTHILL AVE, LAS VEGAS, NV 89121-6218
 cr +PRA Receivables Management LLC, POB 41067, Norfolk, VA 23541-1067
 cr +Wells Fargo Bank, N.A. dba Americas Servicing Comp, Malcolm Cisneros,
 2112 Business Center Drive, 2nd Floor, Irvine, CA 92612-7135
 4093630 +Americas Servicing Co, Acct No 1061205322670, Attention: Bankruptcy, 1 Home Campus,
 Des Moines, IA 50328-0001
 4093631 +Aspire/cb&t, Acct No 4791070112481336, Po Box 105555, Atlanta, GA 30348-5555
 4093632 +Associates/citibank, Acct No 517950000228, Attn: Centralized Bankruptcy, Po Box 20507,
 Kansas City, MO 64195-0507
 4093633 +Bac / Fleet Bankcard, Acct No 5886, Po Box 26012, Greensboro, NC 27420-6012
 4093634 +Capital 1 Bank, Acct No 430572211520, Attn: C/O TSYS Debt Management, Po Box 5155,
 Norcross, GA 30091-5155
 4093635 +Capital One, N.A., Acct No 5903592543172189, 2730 Liberty Ave, Pittsburgh, PA 15222-4704
 4093636 +Chase, Acct No 463673602010, Attn: Bankruptcy Dept, Po Box 100018,
 Kennesaw, GA 30156-9204
 4093637 +Chevron / Texaco Citibank, Acct No 102595, Attn: Centralized Bankruptcy, Po Box 20507,
 Kansas City, MO 64195-0507
 4093638 +Cpu/citi, Acct No 583291455, Attn: Centralized Bankruptcy, Po Box 20507,
 Kansas City, MO 64195-0507
 4093639 +Direct Merchants Bank, Acct No 545800127603, Card Member Services - GSC, Po Box 5246,
 Carol Stream, IL 60197-5246
 4093641 +Dshs/dcs Tacoma, Acct No 882003, Po Box 11520, Tacoma, WA 98411-5520
 4093642 +First Premier Bank, Acct No 5433628842318598, Po Box 5524, Sioux Falls, SD 57117-5524
 4259205 +HSBC BANK NEVADA, N.A., ECAST SETTLEMENT CORPORATION, C/O BASS & ASSOCIATES, P.C.,
 3936 E. FT. LOWELL RD, SUITE 200, TUCSON, AZ 85712-1083
 4093647 +Hsbc Bank, Acct No 5440450060964321, Po Box 5253, Carol Stream, IL 60197-5253
 4093648 +Hsbc Best Buy, Acct No 700119170002, Attn: Bankruptcy, Po Box 6985,
 Bridge Water, NJ 08807-0985
 4093650 +Macys/fdsb, Acct No 486311594, 9111 Duke Blvd, Mason, OH 45040-8999
 4093651 +Nextcard Inc, Acct No 425497000877, P.O. Box 923148, Norcross, GA 30010-3148
 4736709 +PRA Receivables Management, LLC, As Agent Of Portfolio Recovery Assocs., PO Box 12914,
 NORFOLK VA 23541-0914
 4093653 Prvn Bncrp, Acct No 1002592959, Po Box 9007, Pleasanton, CA 94566
 4281028 SELECT PORTFOLIO SERVICES, 3815 S.W. TEMPLE, SALT LAKE CITY, UT 84115
 4093655 +Sears/cbsd, Acct No 5121079629683886, Sears Bankruptcy Recovery, 7920 Nw 110th St,
 Kansas City, MO 64153-1270
 4093656 +Seattle Dshs, Acct No 88, 500 First Ave S, Seattle, WA 98104-2804
 4093658 +Select Portfolio Svcin, Acct No 2770009587767, 234 E Capitol St, Jackson, MS 39201-2418
 4093657 +Select Portfolio Svcin, Acct No 2770009690850, Po Box 65250, Salt Lake City, UT 84165-0250
 4093659 +Spiegel, Acct No 3621630775, Attn: Bankruptcy, Po Box 9204, Old Bethpage, NY 11804-9004
 4280582 +TARGET NATIONAL BANK, C O WEINSTEIN AND RILEY, PS, 2001 WESTERN AVENUE, STE 400,
 SEATTLE, WA 98121-3132
 4093660 +Tnb-visa, Acct No 435237340080, Po Box 9475, Minneapolis, MN 55440-9475
 4621341 ++US BANK, PO BOX 5229, CINCINNATI OH 45201-5229
 (address filed with court: U.S. Bank N.A., Bankruptcy Department, P.O. Box 5229,
 Cincinnati, OH 45201)
 4093662 ++US BANK, PO BOX 5229, CINCINNATI OH 45201-5229
 (address filed with court: Us Bank/na Nd, Acct No 4037695580002141, 4325 17th Ave S,
 Fargo, ND 58125)
 4853126 +US BANK C/O, WELLS FARGO BANK, ONE HOME CAMPUS, DES MOINES, IA 50328-0001
 4281207 +US BANK HOME MORTGAGE, 4801 FREDERICA STREET, OWENSBORO, KY 42301-7441
 4093661 +Us Bank Hogan Loc, Acct No 153751938645, Po Box 5227, Cincinnati, OH 45201-5227
 4093663 +Washington Mutual / Providian, Acct No 1325509183, Attn: Bankruptcy Dept., Po Box 10467,
 Greenville, SC 29603-0467
 4624485 +Wells Fargo Home Mortgage, Attn: Bankruptcy Documents, MAC# X7801-013, 3476 Stateview Blvd.,
 Ft. Mill, SC 29715-7203
 4763220 +eCast Settlement Corporation, C/O Bass & Associates, P.C., 3936 E. Ft. Lowell Rd., Suite #200,
 Tucson, AZ 85712-1083

The following entities were noticed by electronic transmission on May 10, 2010.

4259177 E-mail/PDF: mrdiscen@discoverfinancial.com May 11 2010 00:47:55
 Discover Bank/DFS Services LLC, PO Box 3025, New Albany, OH 43054-3025
 4093640 +E-mail/PDF: mrdiscen@discoverfinancial.com May 11 2010 00:47:55 Discover Financial,
 Acct No 601120899420, Attention: Bankruptcy Department, Po Box 3025,
 New Albany, OH 43054-3025
 4093643 +E-mail/PDF: gecsedri@recoverycorp.com May 11 2010 00:49:52 GE Mongram Bank / JC Penney Dc,
 Acct No 546680132349, Attn: Bankruptcy, Po Box 103106, Roswell, GA 30076-9106
 4093644 +E-mail/PDF: gecsedri@recoverycorp.com May 11 2010 00:49:52 GEMB / Mervyns,
 Acct No 604589329313, Attention: Bankruptcy, Po Box 103106, Roswell, GA 30076-9106
 4093645 +E-mail/PDF: gecsedri@recoverycorp.com May 11 2010 00:49:50 GEMB / Walmart,
 Acct No 603220316166, Attention: Bankruptcy, Po Box 103106, Roswell, GA 30076-9106
 4093646 +E-mail/PDF: gecsedri@recoverycorp.com May 11 2010 00:49:53 Gemb/chevron,
 Acct No 706159101738, Attention: Bankruptcy, Po Box 103106, Roswell, GA 30076-9106
 4093649 +E-mail/PDF: gecsedri@recoverycorp.com May 11 2010 00:49:52 JC Penney, Acct No 476128,
 Attention: Bankruptcy Department, Po Box 103106, Roswell, GA 30076-9106
 4888155 E-mail/Text: resurgentbknotifications@resurgent.com LVNV Funding LLC,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 4093652 +E-mail/Text: bnc@nordstrom.com Nordstrom FSB, Acct No 0003658326,
 Attention: Bankruptcy Department, Po Box 6566, Englewood, CO 80155-6566
 4932391 +E-mail/PDF: rmscedi@recoverycorp.com May 11 2010 00:49:55 RECOVERY MANAGEMENT SYSTEMS CORPORATION, FOR GE MONEY BANK, DBA CHEVRON TEXACO PLCC,
 25 SE 2ND AVE STE 1120, MIAMI FL 33131-1605

District/off: 0978-2
 Case: 09-12776

User: breareymr
 Form ID: pdf945

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 Total Noticed: 50

Date Rcvd: May 10, 2010

The following entities were noticed by electronic transmission (continued)
 4772449 E-mail/PDF: BNCEmails@blinellc.com May 11 2010 00:47:13 ROUNDUP FUNDING, LLC, MS 550,
 PO BOX 91121, SEATTLE, WA 98111-9221
 4093654 +E-mail/PDF: gecscedi@recoverycorp.com May 11 2010 00:49:51 Sams Club, Acct No 771410038482,
 Attention: Bankruptcy Department, Po Box 103104, Roswell, GA 30076-9104
 TOTAL: 12

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr SELECT PORTFOLIO SERVICING INC
 cr US BANK
 cr* +ECAST SETTLEMENT CORPORATION, C/O BASS & ASSOCIATES, P.C.,
 3936 E. FT. LOWELL ROAD, SUITE #200, TUCSON, AZ 85712-1083

TOTALS: 2, * 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 12, 2010

Signature:

